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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,492	10/11/2001	Eugene Wolbers	10906-007	9686

7590

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EXAMINER

WILLIAMS, ERIC M

ART UNIT

PAPER NUMBER

3681

DATE MAILED: 01/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/975,492

Applicant(s)

WOLBERS ET AL.

Examiner

Eric M Williams

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) 2-13, 19-38 and 45-50 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 14-18 and 39-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is in response to the papers filed 12-23-2002 for serial number 09/975,492.

### *Election/Restrictions*

2. Claims 2-13, 19-38 and 45-50 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the papers filed 12-23-2002.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 14 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Lonne ('371).

Lonne discloses a clutch release bearing (Fig. 2) with a bearing carrier Fig. 1 (1), a bearing assembly (2), a stationary race (5), a rotatable race (3), and a plurality of anti-friction elements (4), with an aligning ring (14), and the front face of the aligning ring defining a plane normal to the axis of the bearing carrier, and the rotatable race has a

Art Unit: 3681

spherical face and the aligning ring has a spherical face engaging the spherical face of the rotatable race (Fig. 2).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lonne ('371) in view of Allen et al. ('341).

Lonne discloses all the limitations of claims 15-17 but lacks any specific disclosure of an anti friction element being an o-ring in a groove. Allen discloses an anti-friction element being an o-ring in a groove adapted to maintain a fluid tight seal between two members. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lonne such that it has an o-ring seal in a groove, in view of Allen, to maintain a fluid tight seal for lubricant.

7. Claims 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lonne ('371) in view of Ernst et al. ('215).

Lonne discloses a clutch release bearing (Fig. 2) with a bearing carrier Fig. 1 (1), a bearing assembly (2), a stationary race (5), a rotatable race (3), and a plurality of anti friction elements (4), with an aligning ring (14), and the front face of the aligning ring defining a plane normal to the axis of the bearing carrier, and the rotatable race has a

Art Unit: 3681

spherical face and the aligning ring has a spherical face engaging the spherical face of the rotatable race (Fig. 2), but lacks any specific disclosure of a clearance fit between the bearing assembly and the bearing carrier. Ernst (Fig. 1) discloses a clearance fit between the bearing assembly and the bearing carrier (s) to allow for limited radial movement of the bearing assembly. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lonne such that there is a clearance fit between the bearing assembly and the bearing carrier, in view of Ernst, to allow for limited radial movement of the bearing assembly.

8. Claims 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lonne in view of Ernst as applied to claims 39 and 40 above, and further in view of Allen ('341).

Lonne in view of Ernst discloses all the limitations of claims 39 and 40, but lacks any specific teaching of an anti-friction element being an o-ring in a groove. Allen discloses an o-ring groove adapted to maintain a fluid tight seal between two members. It would have been obvious to one of ordinary skill in the art at the time of this invention to modify Lonne, in view of Ernst, such that it has an o-ring seal in a groove, in view of Allen, to maintain a fluid tight seal for lubricant.

9. Claims 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lonne in view of Ernst in further view of Allen as applied to claims 39-40 above, and further in view of Lassiaz ('049).

Ernst in view of Lonne and Allen discloses all the limitations of claims 43 and 44 including a sleeve (column 2, lines 32-35), but lacks any specific teaching of snap rings

Art Unit: 3681

or spring washers to hold the components in axial position. Lassiaz discloses a snap ring, spring washer (46) used to hold axial positioning. It would have been obvious to one of ordinary skill in the art at the time of this invention to modify Lonne, in view of Ernst in further view of Allen, such that a snap ring, spring washer is employed on a first end and a second end to hold the support sleeve and bearing assembly in axial position.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Miyahara ('272), Mori et al. ('492), Ladin ('440), Brandenstein ('361), and Chapatis ('664) all disclose clutch release bearing assemblies with spherical members.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M Williams whose telephone number is 703-305-0607. The examiner can normally be reached on Mon. - Fri. from 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A Marmor can be reached on 703-308-0830.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

EMW  
January 9, 2003

  
SHERRY ESTREMSKY  
PRIMARY EXAMINER  
A13681 1-13-03